

**REMARKS/ARGUMENTS**

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Claims 42-82 were pending prior to the Office Action. In this reply, claims 83-84 are added. Therefore, claims 42-84 are pending. Claims 42 and 60 remain independent.

**A. SCOPE OF CLAIMS NOT ALTERED**

In this reply, claims are amended merely to address informal issues, to enhance clarity and/or to make explicit what is already implied. It is intended that the scope of the amended claims remain substantially the same.

**B. § 103 REJECTION – CHEN, NIEMELA**

Claims 42, 43, 46, 52-54, 56-61, 64, 70-73, and 75-82 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Chen (U.S. Publication 2003/0161284 A1) in view of Niemela et al. (WO 03/049482 A1).

*See item 3 on pages 2-6 of the Office Action.* Applicants respectfully traverse.

For a Section 103 rejection to be proper, a *prima facie* case of obviousness must be established. *See M.P.E.P. 2142.* One requirement to establish *prima facie* case of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. *See M.P.E.P. 2142; M.P.E.P. 706.02(j).* Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, the combination of Chen and Niemela et al. does not teach or suggest all claimed features. For example, independent claim 42 recites, in part "a router ... comprising: means for splitting one DCH traffic flow into at least two DCH traffic flows by using an IP multicast protocol." In the invention as claimed, the combining/splitting functionality is moved from the RNC in the radio network layer to the routers in the transport network layer. An example is illustrated in Figure 4 of the present disclosure. On the left side of Figure 4, the combining/splitting function is performed by the RNC. This conventional way of achieving macrodiversity is costly in that much transmission resources are consumed in the transport network. This can result in significant cost for the operators. *See specification, page 4, lines 26-30.* In contrast, as recited in independent claim 42, the combining/splitting functionalities are moved from the RNC into the routers within the transport network as illustrated on the right side of Figure 4. This makes possible to reduce the required transmission resources, and thus lessening costs.

In the Office Action, it is admitted that Chen does not disclose the feature of the router comprising means for splitting one DCH traffic flow into at least two DCH traffic flows as recited. This is logical since Chen only discloses performing splitting/combining functions in the RNC. *See Figures 2 and 3; paragraphs [0049], [0054], [0068], etc.* Contrary to the assertion made in the Office Action, Niemela et al. is also similarly deficient. Niemela et al. explicitly states that the combining/splitting functions are performed at elements 204a, 204b. *See Abstract.* According to Figure 2 of Niemela et al., it is clear that

these elements are RNCs. That is, both Chen and Niemela et al. are examples of conventional art in which combining/splitting functions are performed in the RNC.

Since neither Chen nor Niemela et al. teaches or suggests a router comprising means for splitting one DCH traffic flow into at least two DCH traffic flows, a combination of Chen and Niemela et al. also fails to teach or suggest the same feature. Accordingly, independent claim 42 is distinguishable over the combination of Chen and Niemela et al.

Independent claim 60 recites, in part "splitting, within a router, one DCH traffic flow into at least two DCH traffic flows by using an IP multicast protocol." For at least the reasons discussed above, independent claim 60 is also distinguishable over the combination of Chen and Niemela et al.

Claims 43, 46, 52-54, 56-59, 61, 64, 70-73 and 75-82 depend from independent claims 42 and 60, directly or indirectly, and recite further distinguishing features. Therefore, these dependent claims are distinguishable over the combination of Chen and Niemela et al.

Applicants respectfully request that the rejection of claims 42-43, 46, 52-54, 56-61, 64, 70-73 and 75-82 based on Chen and Niemela et al. be withdrawn.

### C. § 103 REJECTION – CHEN, NIEMELA, HAGGERTY

Claims 44, 45, 47-51, 55, 62, 63, 65-69 and 74 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Chen in view of Niemela,

and in further view of Haggerty (U.S. Patent 6,331,983 B1). *See item 4 on pages 6-8.* Applicants respectfully traverse.

Claims 44-45, 47-51, 55, 62-63, 65-69 and 74 depend from independent claims 42 and 60. It is demonstrated above that independent claims 42 and 60 are distinguishable over Chen and Niemela et al. Haggerty does not correct for the above noted deficiencies of Chen and Niemela et al. Therefore, independent claims 42 and 60 are also distinguishable over the combination of Chen, Niemela et al. and Haggerty. The dependent claims recite further distinguishing features. Accordingly, the dependent claims are also distinguishable over the combination of Chen, Niemela et al. and Haggerty.

Applicants respectfully request that the rejection of claims 44-45, 47-51, 55, 62-63, 65-69 and 74 based on Chen, Niemela et al. and Haggerty be withdrawn.

#### **D. NEW CLAIMS**

Claims 83-84 are added through this reply. These claims depend from independent claims 42 and 60 and recite further distinguishing features. Applicants respectfully request that the claims 42-84 be allowed.

#### **E. CONCLUSION**

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to

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be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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